

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

PEARLINE ARLINE, <i>Plaintiff,</i>	§ § § § § § § § § §	CIVIL ACTION NO. 1:14-cv-428
v.		
BEAUMONT INDEPENDENT SCHOOL DISTRICT and DR. TIMOTHY CHARGOIS, <i>Defendants.</i>		Jury Trial Demanded

**ORIGINAL COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now the Plaintiff, Pearline Arline, (hereafter "Plaintiff" or "Arline") files this her Original Complaint against the Defendants, Beaumont Independent School District ("Defendant" or "BISD") and Superintendent Timothy Chargois ("Chargois"), and alleges the following:

**THE PARTIES**

1. Plaintiff is a natural person and resident citizen of Jefferson County, Texas.
2. Defendant Beaumont Independent School District is a local political subdivision and may be served with process by serving its Superintendent, Dr. Timothy Chargois, 3395 Harrison Avenue, Beaumont Texas 77706, or anywhere he may be found.
3. Superintendent Timothy Chargois may be served with process in his official capacity by serving him at the Beaumont Independent School District, 3395 Harrison Avenue, Beaumont Texas 77706, or anywhere he may be found.

**JURISDICTION & VENUE**

4. This action is brought pursuant to 42 U.S.C. Sections 1983 and 1988 to redress the violation by Defendants of Plaintiff's rights as secured by the First and Fourteenth Amendments

to the United States Constitution. This court has jurisdiction of Plaintiff's complaint pursuant to 28 U.S.C. Sections 1331.

5. Venue is appropriate and proper in this cause in the Eastern District of Texas pursuant to 28 U.S.C. §1391(a) (1) as at least one (1) of the Defendants currently resides, or is located within, the Eastern District at the time of filing this suit, as well as under 28 U.S.C §1391 (a) (2) because all or a substantial part of the events which gave rise to this cause of action occurred in the Eastern District of Texas.

### **FACTS**

6. Plaintiff was a term contract employee of BISD.

7. In June 2012, Ogden Adult Education Director Richard John Cantu presented Plaintiff a typed letter stating she was no longer employed due to lack of funds in the 2012-2013 Ogden Adult Federal/State/TANF Grant for the 2012-2013 ABE teaching position. Plaintiff did not receive the letter until her grievance meeting with Richard John Cantu. BISD's Personnel Office never gave Plaintiff a formal letter of dismissal as is required by law and policy.

8. On July 28, 2012, the Director received the 2012-2013 Ogden Fed/State/TANF Grant from the TEA.

9. On August 22, 2012, the first day of work for Ogden Adult staff, Plaintiff was called to the Director's office and told there were no funds for the 2012-2013 Ogden Adult Fed/State/TANF Grant ABE teaching position. He abruptly dismissed her without any further explanation.

10. On August 23, 2012, Plaintiff filed a Formal TSTA Grievance against The Director, Richard John Cantu.

11. The ABE night teacher, Mrs. Lewis, taught The ABE night students and was

allowed to receive her payroll throughout the 2012-2013 school year via the 2012-2013 Grant.

12. All levels of Plaintiff's Grievance were failed by Dr. Chargois' Grievance level Administrators which include Dr. Chargois and Patricia Lambert & Richard John Cantu.

13. The School Board denied Plaintiff a return to her position with a tied vote (3:3) with one board member abstaining within minutes of the level IV grievance, in violation of policy.

14. The next school year, 2013-2014, the grant was dismissed by Dr. Chargois as he and the director, Cantu, chose not to continue the Ogden Adult Fed/State/TANF. Richard John Cantu was exited to Pathways form Ogden Adult Ed and Jessie Kibbles was exited to Ogden Adult Ed. form Pathways.

## **CAUSES OF ACTION**

### **A. Dismissal without Due Process**

15. Defendants violated Plaintiff's right to procedural due process when it dismissed her from her position based on false reasons and without any type of a meaningful pretermination hearing.

16. Plaintiff's post termination hearing did not provide her adequate process in that the reasons (loss of grant funds) were false. Moreover, the Defendants did not investigate the stated basis for Plaintiff's termination.

17. Defendants denied Plaintiff her property interest in continued employment without cause and without investigation or hearing. Moreover, Plaintiff had a right to an appeal based on adequate notice of the bases for his termination. Defendants deprived Plaintiff of that right. Defendants did not provide notice, did not conduct any investigation into their stated bases until after Plaintiff's termination, did not disclose the real reasons for the termination, or any reason that was not false.

18. Plaintiff seeks injunctive relief in the nature of reinstatement, and damages.

**B. Violation of Liberty Interest**

19. Defendant deprived Plaintiff of a protected liberty interest. Plaintiff was deprived her property interest in continued employment and her good name by the Defendants.

**PRAYER**

20. Plaintiff respectfully prays for the following relief:

- a. Judgment against Defendants for damages sustained by Plaintiff as alleged herein, including actual damages, special damages, compensatory damages, lost wages, emotional damages, punitive damages, attorney's fees, costs, lost benefits, interest, and any other damages allowed by law;
- b. Attorney's fees, costs, and expenses;
- c. Injunctive relief, including, but not limited to, reinstatement to her former or an equivalent position, with reinstatement of fringe benefits and seniority rights.

21. Plaintiff prays that, upon trial before a jury of her peers, she be granted the relief set forth herein, as well as all other relief to which she may show herself justly entitled in equity or under law.

Respectfully Submitted,

WATTS & COMPANY LAWYERS, LTD.

/s/ Larry watts

Larry Watts

*Attorney in Charge*

State Bar No. 20981000

Federal I.D. 7092

Melissa Azadeh

State Bar No. 24064851

P.O. Box 2214

Missouri City, Texas 77459

Tel: (281) 431-1500

Fax: (877) 797-4055

**TRIAL BY JURY DEMANDED**